

Remarks/Arguments

Claims 1, 4-5 and 11 were rejected under 35 USC 103(a) over Danishefsky et al in view of Bollag et al. Applicant requests reconsideration and withdrawal of this rejection for the reasons that follow.

The Examiner notes that Danishefsky et al fail to teach the combination of epothilone B in combination with ionizing radiation. Bollag et al merely suggests that "the value of epothilones and discodermolide should be explored in cells in combination with agents such as radiation which induce the G1 block-mediated apoptosis." Thus, the combined disclosure of the reference merely suggests to conduct experiments. However, it does not provide a basis for the skilled artisan to reasonably expect that epothilone B and radiation therapies could successfully be combined for the treatment of solid tumors. Therefore, the present claims are not *prima facie* obvious over the combined disclosure of the references.

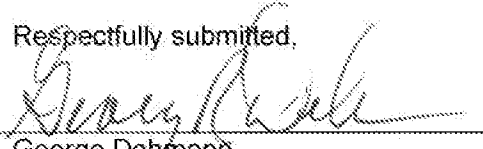
Moreover, Applicant has submitted journal articles which report synergy when epothilone B is combined with radiation therapy. Applicant points out that Hofstetter et al in its abstract reports that combined treatment with low dose paclitaxel followed by clinically relevant doses of ionizing radiation resulted in a supra-additive cytotoxic effect. Applicant asserts that such information would lead the skilled artisan to conclude that the combination would show synergy at doses generally used to treat solid tumors. Therefore, Applicant asserts that the scope of the claims is commensurate in scope with the data.

Applicant requests withdrawal of the rejection under 35 USC 103 for the reasons discussed above.

Entry of this amendment and reconsideration and allowance of the claims is respectfully requested.

Novartis Pharmaceuticals Corporation
One Health Plaza, Bldg. 101
East Hanover, NJ 07936
(862) 778-7824

Respectfully submitted,


George Dohmann
Attorney for Applicant
Reg. No. 33,593

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